

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

_____	)	
DONALD P. LARIVIERE and DORIS	)	
G. LARIVIERE	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. _____
	)	
THE BANK OF NEW YORK AS	)	
TRUSTEE, LITTON LOAN SERVICING,	)	
L.P., BANK OF AMERICA, FIRST	)	
RESIDENTIAL NETWORK, MORTGAGE	)	
ELECTRONIC REGISTRATION	)	
SYSTEMS, INC., ET AL.	)	
Defendants.	)	
_____	)	

**NOTICE OF REMOVAL**

TO: The Honorable Judges of the United States District Court for the District of Maine

Pursuant to 28 U.S.C. §§ 1441 *et seq.*, Defendant Litton Loan Servicing, L.P. ("Litton") hereby removes the action captioned Donald P. Lariviere and Doris G. Lariviere v. The Bank Of New York as Trustee, Litton Loan Servicing, L.P., Bank Of America, First Residential Network, Mortgage Electronic Registration Systems, Inc., et al., Case No. RE-09-061, now pending in the Maine Superior Court, York County, to the United States District Court for the District of Maine.

In so doing, Litton states the following:

1. The plaintiffs, Donald P. Lariviere and Doris G. Lariviere ("Larivieres"), filed an action in Maine Superior Court, York County, on or about August 31, 2009. Litton was served on September 24, 2009. According to the state court docket, no return of service has been filed

with respect to any defendants, and no other proceedings have occurred. A copy of all papers served on Litton in this matter are attached hereto as Exhibit A.

2. The Larivieres' complaint includes eleven enumerated counts, and other un-enumerated counts, including that Litton and other defendants committed violations of federal and state laws relating to the origination and handling of their mortgage loan.

3. Count I of the complaint, asserts a claim under the Homeownership Equity Protection Act, a federal law codified at 15 U.S.C., § 1639, *et. seq.* See Exhibit A, Complaint, ¶¶ 55-66.7.

4. Count II of the complaint, asserts a claim under the Real Estate Settlement Procedures Act, a federal law codified at 12 U.S.C., § 2601, *et. seq.* See Exhibit A, Complaint, ¶¶ 67-70.

5. Count III of the complaint, asserts a claim under the Truth In Lending Act, a federal law codified at 15 U.S.C., § 1601, *et. seq.* See Exhibit A, Complaint, ¶¶ 71-74.

6. Count IV of the complaint, asserts a claim under the Fair Credit Reporting Act, a federal law codified at 15 U.S.C., § 1681, *et. seq.* See Exhibit A, Complaint, ¶¶ 75-79.

7. Accordingly, this Court also has original subject matter jurisdiction over Counts I, II, III, and IV on the basis of 28 U.S.C. § 1331, as each is a cause of action arising under the Constitution, laws, or treaties of the United States. The Court has supplemental jurisdiction over the remaining claims of the Larivieres' complaint on the basis of 28 U.S.C. § 1367.

8. Pursuant to 28 U.S.C. § 1446, Litton's notice of removal is timely as it is filed within thirty (30) days of receipt of the complaint.

9. Pursuant to 28 U.S.C. § 1446, a copy of this Notice of Removal is being filed with the Maine Superior Court.

10. Litton will file certified or attested to copies of all papers that have been filed in Superior Court.

**WHEREFORE**, Litton respectfully requests that the above action now pending against it in the York County Superior Court in the State of Maine be removed therefrom to this Court.

LITTON LOAN SERVICING, L.P.,  
By its attorneys,

/s/ Christopher A. Hunt  
Christopher A. Hunt, ME Bar No. 8702  
[chunt@princelobel.com](mailto:chunt@princelobel.com)  
**PRINCE, LOBEL, GLOVSKY & TYE LLP**  
100 Cambridge Street, Suite 2200  
Boston, MA 02114  
Tel: 617.456.8000

Dated: October 13, 2009

CERTIFICATE OF SERVICE

I, Christopher A. Hunt, certify that a true and accurate copy of the foregoing document was filed through the Court's ECF system this 13th day of October, 2009. I further certify that a true and accurate copy of the foregoing document was sent by first-class mail, postage prepaid to the following address on October 13, 2009:

Donald P. Lariviere and Doris G. Lariviere  
3 Devotion Avenue  
Sanford, ME 04073

/s/ Christopher A. Hunt